

#52

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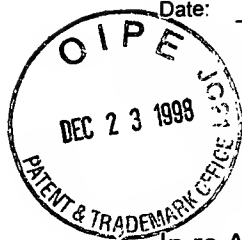
I hereby certify that this correspondence is being deposited with the US Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Express Mail Label No. EL 070 474 042 US, and addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231 on the date shown below:

Date: December 23, 1998

By:

Kay L. Gaviglio

Docket No. GC329-US3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Johannes C. van der Laan, et al.

Serial No.: 07/565,673

Filed: August 10, 1990

For: Efficient Production of Mutant Proteases

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Group Art Unit: 1814

Examiner: Hendricks, K.

PETITION UNDER 37 C.F.R. §1.137(b) FOR REVIVAL
OF UNINTENTIONALLY ABANDONED APPLICATION

JAN 5 1999

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to instructions from the Petitions Branch, in particular Byron Hearn, Applicants petition to revive the above-identified application under 37 CFR 1.137(b). Applicants believe that the application became unintentionally abandoned on October 16, 1995, when then representative for Applicants, Barbara Rae Venter, filed a response pursuant to 37 CFR 1.129 after the filing of an Appeal Brief. The unintentional abandonment was discovered by a new representative appointed by Genencor International, Inc. after a discussion between the new representative and the Petition Branch.

Pursuant to 37 C.F.R. 1.137(b), Applicants submit:

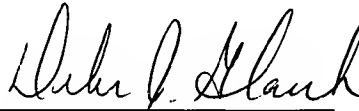
1. that any delay in reviving the above-identified application, once the unintentional abandonment was discovered, was unintentional;
2. the petition fee of \$1,320.00 under 37 C.F.R. §1.17(m); and
3. terminal disclaimer for the period of abandonment.

12/31/1998 DVJDEG 00000011 071048 07565673
01 FC:141 1210.00 CH

Concurrently herewith, Applicants submit a petition pursuant to 37 CFR 1.183 to waive the requirement for a terminal disclaimer, a petition pursuant to 37 CFR 1.183 to waive the rules pursuant to 37 CFR 1.129 and a petition pursuant to 37 CFR 1.183 to waive the fees pursuant to 37 CFR 1.17(m).

Applicants petition for the consideration and entry of the instant petition.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Debra J. Glaister", written in black ink.

Debra J. Glaister
Registration No. 33,888

Date: December 23, 1998

Genencor International, Inc.
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650-846-7620
Fax: 650-845-6504

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Group Art Unit: 1814

Examiner: Hendricks, K.

PETITION UNDER 37 CFR 1.183
TO WAIVE REQUIREMENT FOR TERMINAL DISCLAIMER

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR 1.183, Applicants petition to waive the rule requiring the filing of a Terminal Disclaimer with a Petition to Revive an Unintentionally Abandoned Patent Application.

Applicants believe that the unintentional abandonment of the above-identified application arose as the result of a USPTO action which led Applicants to conclude that their Response under 37 CFR 1.129 mailed October 16, 1995 was appropriately filed. The USPTO entered the Response under 37 CFR 1.129 even though Applicants had earlier filed an Appeal Brief (mailed March 2, 1994).

Applicants' conclusion that the above-identified application was under active prosecution was based on a USPTO error and contributed to Applicants' failure to realize that the application had become abandoned.


Therefore, pursuant to MPEP 711.03(c) and 37 CFR 1.183, Applicants respectfully request consideration of the instant Petition to waive the rules requiring the filing of a terminal disclaimer.

Submitted concurrently herewith is a terminal disclaimer disclaiming the period of abandonment along with a certificate pursuant to 37 CFR 3.73(b) and the appropriate fee.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 07-1048 (Docket No. GC329-3) triplicate of this paper is enclosed.

Respectfully submitted,

Date: December 23, 1998


Debra J. Glaister
Registration No. 33,888

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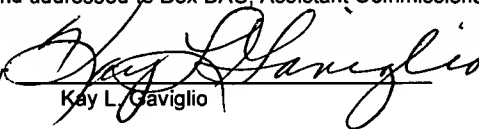


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Docket No. GC329-US3

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In re Application of)

Johannes C. van der Laan, et al.)

Serial No.: 07/565,673)

Filed: August 10, 1990)

For: Efficient Production of Mutant Proteases)

Group Art Unit: 1814

Examiner: Hendricks, K.

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OFFICE OF PETITIONS
DEPUTY A/C PATENTS

PETITION UNDER 37 CFR 1.183
TO ALLOW RESPONSE PURSUANT TO 37 C.F.R. 1.129

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR 1.183, Applicants respectfully petition to waive the rules pursuant to 37 CFR 1.129 which bar the filing of a response under 37 CFR 1.129 if an Appeal Brief has been filed or if the application has become abandoned.

Applicants believe that the unintentional abandonment of the above-identified application arose as the result of a USPTO action which led Applicants to conclude that their Response under 37 CFR 1.129 mailed October 16, 1995 was appropriately filed. The USPTO entered the Response under 37 CFR 1.129 even though Applicants had earlier filed an Appeal Brief (mailed March 2, 1994).

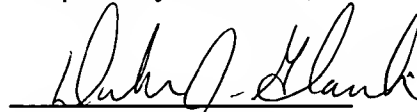
Applicants' conclusion that the above-identified application was under active prosecution was based on a USPTO error and contributed to Applicants' failure to realize that the application had become abandoned.

Therefore, pursuant to MPEP 711.03(c) and 37 CFR 1.183, Applicants respectfully request consideration of the instant Petition to waive the rules which prohibit the filing of a

response under 37 CFR 1.129 after abandonment. Applicants submit concurrently herewith a Response under 37 CFR 1.129 and request that the finality of the final rejection be withdrawn.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 07-1048 (Docket No. GC329-3) triplicate of this paper is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Debra J. Glaister", written over a horizontal line.

Debra J. Glaister
Registration No. 33,888

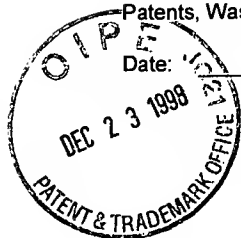
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Kay L. Gaviglio

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Filed: August 10, 1990)

For: Efficient Production of Mutant Proteases)

Group Art Unit: 1814

Examiner: Hendricks, K.

PETITION UNDER 37 CFR 1.183
TO WAIVE FEES

RECEIVED

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

JAN 5 1999

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Sir:

Pursuant to 37 CFR 1.183, Applicants petition to waive the rules pursuant to 37 CFR 1.17(m) which require a fee of \$1320.00 for a Petition to Revive an Unintentionally Abandoned patent application pursuant to 37 CFR 1.137(b).

Applicants believe that the unintentional abandonment of the above-identified application arose as the result of a USPTO action which led Applicants to conclude that their Response under 37 CFR 1.129 mailed October 16, 1995 was appropriately filed. The USPTO entered the Response under 37 CFR 1.129 even though Applicants had earlier filed an Appeal Brief (mailed March 2, 1994).

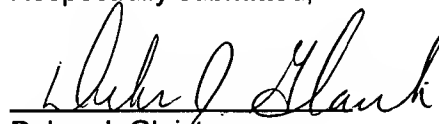
Applicants' conclusion that the above-identified application was under active prosecution was based on a USPTO error and contributed to Applicants' failure to realize that the application had become abandoned.

Therefore, pursuant to MPEP 711.03(c) and 37 CFR 1.183, Applicants respectfully request consideration of the instant Petition to waive the rules requiring the submission of fees under 37 CFR 1.17(m).

Submitted concurrently herewith is a terminal disclaimer disclaiming the period of abandonment along with a certificate pursuant to 37 CFR 3.73(b) and the appropriate fee.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 07-1048 (Docket No. GC329-3) triplicate of this paper is enclosed.

Respectfully submitted,



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